

Appl. No. 10/088,727
Att. Docket No. 10191/2289
Reply To Office Action of 9/23/03

REMARKS

Claims 31 to 42 are added, and therefore claims 16 to 42 are now pending.

Applicants respectfully requests reconsideration of the present application in view of this response.

Applicants thank the Examiner for acknowledging the claim for foreign priority and the receipt of the certified copies of the priority documents from the International Bureau.

With respect to paragraph one (1) of the Office Action, the drawings were objected under 37 C.F.R. § 1.83(a). The objection is respectfully traversed. It is respectfully submitted that the feature of projecting a first image on a first surface and a second image on a second surface of the display surface does not need to be shown because under 37 C.F.R. § 1.81 (a) -- to which § 1.83 (a) is subject, an applicant is only "required to furnish a drawing of [the] invention where necessary for the understanding of the subject matter sought to be patented". It is respectfully submitted that this feature is fully described by the specification, so that a drawing of this feature is not necessary. (See Specification, page 8, line 27 to page 9, line 2.) It is therefore respectfully requested that this drawing objection be withdrawn.

With respect to paragraph two (2), the drawings were objected to for lacking labels. As suggested, Figures 4 and 5 now include reference signs "1" and "10" as seen in the attached replacement sheet. It is therefore respectfully requested that the drawing objections be withdrawn.

With respect to paragraphs four (4) and five (5), claims 17 to 30 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

Claim 17, as presented, now provides that the display surface is arranged on an instrument panel adjacent to a windshield. Also, claims 17, 18, 20, 28 and 30 have been rewritten to better clarify the claims. It is therefore respectfully requested that the indefiniteness rejections be withdrawn.

With respect to paragraph seven (7), claims 16 to 23 were rejected under 35 U.S.C. § 102(b) as anticipated by Jost et al., U.S. Patent No. 4,919,517.

It is axiomatic that for a claim to be anticipated, a single prior art reference must

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describe each and every claim feature in *exactly the same way*. (See Lindeman Machinenfabrik v. Am. Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984) (emphasis added)).

The subject matter of claim 16 provides for the generation of a real image onto a display surface on the instrument panel of the vehicle. In this context, this is to *generate a real image*. Because of the placement of the projection unit in the roof of the vehicle, an appropriate space-saving projection is possible. In comparison to a backwards projected real image, for example, little space is required. Also, in contrast to a virtual image, the dependence on the viewing angle of a viewer is greatly reduced.

In this regard, and as understood, it is respectfully submitted that the Jost reference refers to a liquid crystal display that provides a displayed image as a virtual image on the windshield via a mirror. Accordingly, the image is perceived by a viewer as a virtual image. The image shown in the liquid crystal display is not directly visible to a viewer, who can only perceive the virtual image.

In stark contrast, the claimed subject matter provides that a real image is indeed generated or provided on a display surface. Although not believed to be necessary, to better clarify this feature of claim 16, the term "projected" has been replaced by "generated", and claim 16 provides that the display surface is located outside the projection unit. The Jost reference does not disclose a real image that is generated onto a display surface outside the projection unit, including for the reason that the collimator and the windshield are designed to be specular in the system of the cited reference.

The Jost reference therefore does not identically describe (or even suggest) the features of claim 16 as presented, so that claim 16 is allowable.

Claims 17 to 23 depend from claim 16 and therefore include all of the features of claim 16, as presented, so that claims 17 to 23 are allowable at least for the same reasons as claim 16.

With respect to paragraph nine (9), claims 24 to 26 were rejected under 35 U.S.C. 103(a) as unpatentable over the Jost reference.

For a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp.,

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908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990).

Claim 16 as presented now provides the display surface includes a film that allows directed emission of light and prevents light from being emitted toward the windshield.

It is respectfully submitted that the Jost reference does not render obvious claim 16 because the reference does not disclose nor suggest each of the features of claim 16 as presented for essentially the reasons discussed above in connection with the anticipation rejections. The Jost reference does not disclose nor suggest the claim 16 feature of a display surface including a film that allows directed emission of light and prevents light from being emitted toward the windshield. Accordingly, claim 16 is allowable.

Claims 24 to 26 depend on claim 16, and are therefore allowable at least for the same reasons as claim 16.

With respect to paragraph ten (10), claims 27 to 30 were rejected under 35 U.S.C. 103(a) as unpatentable over the Jost reference in view of Hwang et al., U.S. Patent No. 6,317,170.

Claims depend from claim 16, and are therefore allowable for essentially the same reasons as claim 16, as explained above, since the secondary reference does not cure the critical deficiencies of the primary reference. The secondary Hwang reference only refers to a projection unit which uses a laser arrangement. There is no suggestion in the references relied upon to show the virtual image as a real image. The system of Hwang leads away from the presently claimed subject matter, since it replaces the liquid crystal display image with a laser image, so that even if the two references are combined (the properness of which is not conceded), the resulting combination still does not provide for displaying a real image on a display surface outside of the projection unit, so that claim 16 is allowable.

Claims 27 to 30 depend on claim 16, and are therefore allowable at least for the same reasons as claim 16.

New claims 31 to 42 do not include any new matter and are supported in the specification. New claims 31 to 32 depend from claim 16, and are therefore allowable for the same reasons as claim 16. New claim 33 includes features like claim 16 and further features,

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and is therefore allowable for the same reasons as claim 16. New claims 34 to 42 depend from claim 33 and are therefore allowable for the same reasons as claim 33.

As further regards, claim 31, which depends from claim 16, it provides that the display surface includes a film that allows directed emission of light and prevents light from being emitted toward the windshield. (See Specification, page 5, lines 33 to 36).

Accordingly, claim 31 is allowable for this further reason.

As further regards claim 32, which depends from claim 16, it provides that the display surface scatters light. (See Specification, page 5, lines 20 to 21).

Accordingly, claims 16 to 42 are allowable.

CONCLUSION

In view of the above, it is believed that the objections and the rejections have been obviated, and it is therefore respectfully submitted that claims 16 to 42 are allowable. It is therefore respectfully requested that the objections and rejections be reconsidered and withdrawn, and that the present application issue as early as possible.

Respectfully submitted;

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